

Message Text

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ACTION OES-03

INFO OCT-01 EUR-08 ISO-00 AID-05 CEQ-01 CIAE-00 COA-01

COME-00 DODE-00 EB-04 EPA-01 INR-05 IO-04 L-02 NSF-01

NSC-05 NSAE-00 PM-03 RSC-01 SS-15 SP-02 FEAE-00 SSO-00

NSCE-00 INRE-00 AF-04 ARA-06 EA-06 NEA-06 OIC-01 /085 W

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O 231158Z OCT 74

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C O R R E C T E D C O P Y - T E X T

E.O.11652:N/A

TAGS: SENV, OECD

SUBJECT: ENVIRONMENT MINISTERS CONFERENCE, NOVEMBER
13-14, 1974

REF: (A) STATE 207212 (B) STATE 225133

1. SUMMARY. HEADS OF DELEGATIONS MET 21 OCTOBER TO DECIDE ON A PROCEDURE TO BE FOLLOWED FOR ADOPTION OF ACTION PROPOSALS AT SUBJECT CONFERENCE AND IN PARTICULAR TO CONSIDER WHETHER ACTION PROPOSAL ON TRANSFRONTIER POLLUTION SHOULD BE TRANSMITTED TO MINISTERS. HEADS COMPROMISED ON HYBRID OF ADOPTION PROCEDURES OPTIONS A. AND D. SUBJECT TO FURTHER CONSIDERATION. THEY AGREED THAT TRANSFRONTIER POLLUTION QUESTIONS WOULD BE CONSIDERED AGAIN IN COUNCIL ON OCTOBER 24. ACTION REQUESTED: DEPARTMENT GUIDANCE ON PROCEDURES AND CHANGES. END SUMMARY.

2. ALTHOUGH A NUMBER OF DELEGATIONS AGREED WITH US PREFERENCE FOR OPTION A

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PROCEDURE FOR ADOPTING ACTION PROPOSALS (CES(74)97),

HEADS OF DELEGATIONS COMPROMISED ON A ZEBRA FORMULA
(AS CHARACTERIZED BY SECGEN) COMBINING OPTIONS A AND
D. THUS COUNCIL WILL MEET FOR A PRESUMABLY BRIEF
SESSION EARLY AFTERNOON NOVEMBER 14 TO PUT CACHET OF
APPROVAL ON ACTION PROPOSALS. DELEGATIONS WOULD HAVE
OPTION OF PLACING THEIR ENVIRONMENT MINISTER OR HEAD
OF DELEGATION IN COUNCIL CHAIR.

3. IN REGARD TO ACTION PROPOSAL X ON TRANSFRONTIER
POLLUTION FRG MADE STRONG STATEMENT URGING THAT
C(74)158 ANNEX X (2ND REV.) BE FORWARDED TO
MINISTERS AS IT STANDS WITHOUT CHANGE. THEY STATED
THAT BY NOW THE ANNEX X HAD SEE-SAWED BACK AND
FORTH BETWEEN VARIOUS COMMITTEES AND THAT NEITHER
DELEGATIONS NOR HOME MINISTRIES KNEW AT ANY POINT WHICH
TEXT WAS BEING CONSIDERED. GERMAN DELEGATE CONFESSED TO
UTTER CONFUSION, A CONFESSION WHICH WAS SOON
CONFIRMED BY THE EVENTS OF THE MEETING.

4. THE MOST IMPORTANT
DEVELOPMENT WAS THAT THE FRENCH DELEGATE, VALERY,
SUGGESTED AS COMPROMISE THAT "AN APPROPRIATE BALANCE
OF RIGHTS AND OBLIGATIONS" BE OMITTED IN TITLE B.
ALTHOUGH GERMAN AND OTHER DELEGATIONS HAD PREVIOUSLY
SPOKEN STRONGLY FOR RETENTION OF THAT PHRASE, THE
IMPORT OF VALERY'S SUGGESTION WAS NOT CLEAR TO
ASSEMBLY AND ONLY THE US PROTESTED. WITHOUT GOING
INTO DETAILS, THE MAJOR DIFFICULTIES BECLOUDING
THE FORWARDING OF ANNEX X ARE AS FOLLOWS:
I) THE CANADIAN PROBLEM. CANADIANS WILL NOT ACCEPT ANY
VERSION BUT TEXT OF 19 JUNE 1974 IN ENV/MIN(74).

AFTER THIS HEADS OF
DELEGATIONS MEETING THEY TOLD US THAT
THEY HOPE THAT THIS
WILL ENABLE THE PAPER TO GO FORWARD SIMPLY AS A
DISCUSSION PAPER BUT NOT FOR ACTION. THEY
STATED PRIVATELY THAT THEY ARE AFRAID THAT THEIR
MINISTER MIGHT BE INCLINED TO APPROVE A TFP TEXT AT THE
MINISTERS CONFERENCES AND CONSEQUENTLY WILL HAVE LARGE
DELEGATION TO SHIELD HER. ELDIN WILL BE PASSING
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THROUGH OTTAWA ON HIS RETURN FROM A SPEAKING ENGAGEMENT
(SPOKANE WORLD'S FAIR) IN A WEEK. CANADIANS
HAVE TOLD SECRETARIAT THAT THEY WILL NOT ARRANGE FOR
HIM TO SEE THEIR MINISTER, PRESUMABLY BECAUSE THEY ARE
AFRAID OF HIS PERSUASIVE POWERS.

II) THE GREEK PROBLEM. THE GREEKS STATED THAT THEY
WILL BE UNABLE TO ACCEPT ANY VERSION IN ANNEX X
WHOSE PARAGRAPHS 4A AND 4B ON THE PRINCIPLE OF NON-

DISCRIMINATION DO NOT CORRESPOND EXACTLY TO THOSE
ACHIEVED AT THE 12TH SESSION OF THE ENVIRONMENT
COMMITTEE IN SEPTEMBER 1974.
III) THE SPANISH PROBLEM. AFTER ALL DELEGATIONS HAD

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AGREED TO A COMPROMISE PROPOSED BY THE SPANISH
DELEGATION (INCLUDED IN 2ND REVISION), THE SPANISH
STATED THAT THEY COULD NOT AGREE TO THE COMPROMISE IN
AGREED TO A COMPROMISE PROPOSED BY THE SPANISH
DELEGATION (INCLUDED IN 2ND REVISION), THE SPANISH
STATED THAT THEY COULD NOT AGREE TO THE COMPROMISE IN
ANY FORM. CONSEQUENTLY THEY INTEND TO RESERVE,
PRINCIPALLY BECAUSE OF THE RETENTION IN THE TEXT OF THE
PRINCIPLE OF EQUAL RIGHT OF HEARING. BUT THEY NOW
WISH TO RETAIN THE OPTION OF OPPOSING OTHER CHANGES IN
THE 2ND REVISION OF ANNEX X AND MOST PARTICULARLY IN
INSTRUCTION V OF ITS PREAMBLE, WHERE SEVERAL SEEM
MOTIVATED TO CHANGE THE EMPHASIS ON EQUAL RIGHT OF

HEARING. THEIR AMBASSADOR "WILL MAKE AN IMPORTANT

STATEMENT" AT THE OCTOBER 24 COUNCIL MEETING.

IV) THE NETHERLANDS PROBLEM. THE NETHERLANDS HAS BEEN
THE MOST ACTIVE EDITOR IN ALL SESSIONS. AT HEADS
OF DELEGATION MEETING THEY INSISTED IN FOLLOWING
CHANGES, AND ARE LIKELY TO COME UP WITH MORE IN
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COUNCIL. THEY WOULD LIKE ARTICLE V OF PREAMBLE TO
READ AS FOLLOWS:

"INSTRUCTS THE ENVIRONMENT COMMITTEE TO INVESTIGATE
FURTHER THE ISSUES CONCERNING THE PRINCIPLE OF EQUAL
RIGHT OF HEARING, TO FORMULATE AS SOON AS POSSIBLE
DRAFT RECOMMENDATION AND TO REPORT TO THE COUNCIL ON ITS
WORK BY 1ST JULY, 1975."

ALSO THEY INSIST ON THE ELIMINATION OF TERMINAL PHRASE
IN SECTION 4A WHICH READS "IN PARTICULAR AS REGARDS

THE STATE OF THE ENVIRONMENT IN ZONES AFFECTED".

V) THE FRENCH PROBLEM. THE FRENCH HAD, PREVIOUS TO
THE HEADS OF DELEGATION MEETING, INSISTED ON THE
INCLUSION IN THE 1ST SENTENCE OF TITLE C OF THE WORDS
"AND IN GENERAL" (NOW IN BRACKETS) SO THE SENTENCE
WOULD READ: "COUNTRIES SHOULD INITIALLY AND IN GENERAL
BASE THEIR ACTION ON THE PRINCIPLE OF NON-DISCRIMINATION."
AT THE BEGINNING OF THE HEADS OF DELEGATION MEETING
THE FRENCH SAID THAT THEY WERE DISPOSED TO GIVE UP
THEIR INSISTENCE ON THAT PHRASE. TOWARDS THE END
OF THE MEETING VALERY STATED THAT IF OTHERS WERE NOT
GOING TO COMPROMISE THEN THEY SAW NO REASON TO
COMPROMISE GENERAL.)

5. US WITHHELD FALL-BACK PROPOSAL (REF.B). THERE IS A
GROWING GROUND SWELL ENCOURAGED BY THE CANADIANS, TO
FORWARD A VERSION OF ANNEX X, NOT AS AN ACTION PROPOSAL
BUT AS A DOCUMENT FOR DISCUSSION. IF THAT VIEW
APPEARS LIKELY TO BECOME CONSENSUS OF COUNCIL, MISSION
NEEDS TO KNOW WHETHER DEPARTMENT WOULD PREFER
MINISTERIAL DISCUSSION OF VERSION OF ANNEX X WITHOUT
ACTION INTENT OR TABLING OF FALL-BACK PROPOSAL AS AN
ACTION PROPOSAL.

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